

IN THE UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

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CLERK, US BANKRUPTCY COURT  
EASTERN DISTRICT  
ST. LOUIS, MISSOURI-MF

In re:

Elmo Green, Jr.,

Debtor.

Case Number: 16-42061

Chapter 7

**DENIED**

Fees have not  
been paid.

Apr 22, 2016

*Charles E. Rendlen III*  
CHARLES E. RENDLEN, III  
UNITED STATES BANKRUPTCY JUDGE

DEBTOR'S MOTION TO VACATE ORDER CLOSING CASE WITHOUT  
DISCHARGE AND MOTION TO REOPEN CHAPTER 7 CASE

COMES now, Elmo Green, Jr., pro se, ("Debtor") and moves the court to vacate the court's order dismissing Debtor's Voluntary Chapter 7 case, without discharge, and further, to reopen Debtor's Voluntary Chapter 7 case. In support of Debtor's motion, Debtor states the following:

1. On March 28, 2016, Debtor filed his own pro se Voluntary Chapter 7 Bankruptcy Petition.
2. Debtor is indigent and not employed.
3. When Debtor filed his bankruptcy petition, Debtor requested that the \$335.00 filing fee be waived because debtor is not employed and has no assets or receives no financial assistance from any person or entity.
4. On March 30, 2016, the court denied Debtor's request for waiver of filing fee.

5. Debtor never received the court's Order denying Debtor's request for filing fee waiver.
6. PACER does not indicate any "BNC Mailing" of the Order denying Debtor's request for filing fee waiver.
7. On March 30, 2016, the court sent Debtor a Meeting of Creditors notice which Debtor received.
8. PACER shows a BNC Mailing of the Meeting of Creditors notice.
9. On April 7, 2016, the court entered an Order dismissing Debtor's case for failure to pay the \$335.00 filing fee; and also on April 7, 2016, the court mailed debtor a Notice of Unpaid Filing Fee.
10. Debtor never received any Notice of Unpaid Filing Fee.
11. PACER does not show a BNC Mailing for the Notice of Unpaid Filing Fee.
12. On April 7, 2016, the court mailed Debtor an Order Dismissing Case for failure to pay the \$335.00 filing fee.
13. PACER shows a BNC Mailing for the Order Dismissing Case.
14. Debtor received the Order Dismissing Case.
15. Although Debtor is indigent, Debtor is able to pay half of the filing fee (\$167.50) by the close of court on Friday April 22, 2016; or if the court requires, debtor can pay the full filing fee of \$335.00 by the close of court on Friday April 22, 2016.

16. Debtor respects the court process and debtor seriously intends to pursue a Chapter 7 discharge, despite Debtor being unemployed.

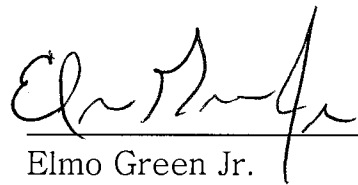
17. Debtor's failure to pay the filing fee was not out of disrespect for the court process.

18. Had Debtor received the Order requiring payment, Debtor would have taken any measures to pay the required \$167.50 filing fee.

19. In any case, Debtor moves the court to set aside its dismissal and place debtor's case back on the docket so Debtor can move to discharge, on the condition that Debtor pay any filing fee required by the court by the close of court on Friday, April 22, 2016, the date Debtor can pay the filing fee.

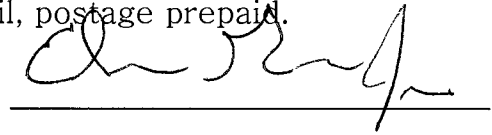
**WHEREFORE**, Debtor moves the court to vacate the court's order dismissing Debtor's case without discharge, and further, Debtor moves the court to reopen Debtor's Chapter 7 case to allow Debtor to pay the filing fee on April 22, 2016.

Respectfully,

  
\_\_\_\_\_  
Elmo Green Jr.  
700 Waterford, Apartment G  
St. Louis, MO

CERTIFICATE OF SERVICE

Debtor states that Debtor mailed a copy of this motion to all creditors listed in Debtor's matrix of creditors, and to the United States Trustee, on this 13th day of April, 2016, by first-class mail, postage prepaid.

A handwritten signature in black ink, appearing to be "D. R. J.", is written above a horizontal line.